

A federal statute allows "the Supreme Court, any justice thereof, the district courts and any circuit judge" to grant writs of habeas corpus "within their respective jurisdictions." 28 U.S.C. § 2241(a). A federal petition for a writ of habeas corpus made by a person in custody under the judgment and sentence of a state court is properly filed in either the district of confinement or the district of conviction. Id. § 2241(d). The district court where the petition is filed, however, may transfer the petition to the other district in the furtherance of justice. See id. Federal courts in California traditionally have chosen to hear petitions challenging a conviction or sentence in the district of conviction.

1 See Dannenberg v. Ingle, 831 F. Supp. 767, 767 (N.D. Cal. 1993);  
2 Laue v. Nelson, 279 F. Supp. 265, 266 (N.D. Cal. 1968).

3 Here, Petitioner challenges a conviction and sentence incurred  
4 in Pomona Superior Court in Los Angeles County, which is located in  
5 the venue of the Central District of California. See 28 U.S.C.  
6 § 84(c)(2). Accordingly, that is the proper venue for this action.

7 Pursuant to 28 U.S.C. § 1406(a) and Habeas L.R. 2254-3(b), and  
8 in the interest of justice, the Clerk of the Court is ordered to  
9 TRANSFER this action forthwith to the United States District Court  
10 for the Eastern District of California.

11 IT IS SO ORDERED.

12 Dated: 9/7/2011



13 CLAUDIA WILKEN  
14 UNITED STATES DISTRICT JUDGE  
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UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

ERIC ANDREW ODELL,

Plaintiff,

v.

JANICE GALLI MCLEOD et al,

Defendant.

Case Number: CV11-03926 CW

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on September 7, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Eric A. O'Dell F-03425  
Centinela State Prison  
C6/178Low  
P.O. Box 731  
2302 Brown Road  
Imperial, CA 92251

Dated: September 7, 2011

Richard W. Wieking, Clerk  
By: Nikki Riley, Deputy Clerk

United States District Court  
For the Northern District of California